

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

STACY POWERS

§

VS.

§

CIVIL ACTION NO. 5:09cv35

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

§

**ORDER VACATING JULY 6, 2009 REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-referenced case was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. Before the Court is the following pending motion: Plaintiff's Motion to Withdraw the Motion to Remand (Docket Entry # 13). The Court, having reviewed the motion, is of the opinion the motion should be **GRANTED**.

Plaintiff filed a motion to remand on June 8, 2009, asserting the transcript in this social security cause of action was missing 172 pages of medical records. Defendant failed to file a response in opposition to Plaintiff's motion within the time prescribed by the Local Rules. Therefore, on July 6, 2009, the undersigned issued a Report and Recommendation, recommending that Plaintiff's motion to remand be granted.

Defendant filed objections to the Report and Recommendation, apologizing for its oversight in failing to respond to the motion to remand. It asserted a corrected, complete copy of the transcript had been forwarded to Plaintiff and the Court. Plaintiff now files her current motion to withdraw her motion to remand, asserting she has received the corrected transcript. Plaintiff also requests the

Court enter a briefing schedule. The Court is of the opinion Plaintiff's motion should be granted.

Accordingly, it is

ORDERED that the July 6, 2009 Report and Recommendation of the United Magistrate Judge is hereby **VACATED**. It is further

ORDERED that Plaintiff's Motion to Withdraw the Motion to Remand (Docket Entry # 13) is hereby **GRANTED**.

SIGNED this 15th day of July, 2009.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE